

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for)
Termination of Probation of:)

ROGER PATING, M.D.)
933 S. Sunset, Suite 208)
West Covina, CA 91790)
Certificate No. G 7248)

OAH NO. N 33889

Petitioner.)
_____)

DECISION

This matter was heard before a panel of the Seventh District Medical Quality Review Committee on June 8, 1989, in San Jose, California. Robert R. Coffman, Administrative Law Judge, State of California, Office of Administrative Hearings, presided.

Harriet Hirsch, Deputy Attorney General, represented the Board of Medical Quality Assurance.

Henry Lewin, Attorney at Law, Lewin & Levin, 11845 West Olympic Boulevard, West Tower, Suite 600, Los Angeles, California 90064, represented the petitioner.

The panel makes the following decision:

FINDINGS OF FACT

I

Effective March 31, 1986, petitioner's physician's and surgeon's license was suspended for one year, the suspension was stayed and petitioner was placed on probation for four years on terms and conditions, including the providing of free medical service to a community facility for at least an average of seventeen hours a month during the period of probation.

The cause for discipline was based on stipulated findings that petitioner falsified patient records, bills for service and related documents, for ten of his patients. For example, petitioner represented that a patient needed his adenoids and tonsils removed and scheduled the patient for surgery, when in fact the patient's adenoids and tonsils had already been removed. He also submitted charges for surgeries he did not perform and he needlessly exposed patients to the risks of anesthesia.

II

Petitioner filed his instant petition for termination of probation on March 7, 1989.

III

Petitioner does not acknowledge he committed any wrongful acts. His prior practice was with several partners in a rapidly growing practice. He attributes the charges that led to the prior disciplinary action to a lack of communication between the physicians in his office, poor communication between the physicians and other office staff, a turnover in staff, problems in record keeping and animosity of some of his former partners.

Petitioner has engaged in a solo private practice since 1974. He asserts that his present office procedures and review of cases do not permit any errors of the type that resulted in the prior disciplinary order.

Petitioner states that he enjoys the time he spends providing free medical service to a community facility pursuant to the probationary order, but would rather devote this time to his own practice.

DETERMINATION OF ISSUES

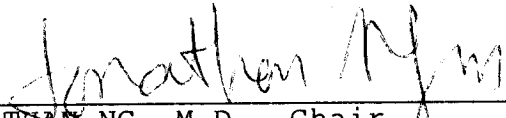
Petitioner has made good progress in his rehabilitation. The probationary order has had a salutary effect on his progress, as has the condition of probation requiring community service. Considering the seriousness of the conduct which led to the disciplinary order, the relatively mild discipline (no actual suspension) compared to the severity of the conduct, the nearness of the date probation is scheduled to expire (March 1990), the early termination of probation is not warranted.

ORDER

The petition for termination of probation is denied.

DATED: August 9, 1989

THIS DECISION SHALL BECOME EFFECTIVE September 8, 1989.



JONATHAN NG, M.D., Chair
Seventh District Medical Quality
Review Committee, Division of
Medical Quality, Board of Medical
Quality Assurance

JN:RRC:lhj